

March 31, 2004  
Case No. FR 000029 (7790/353)  
Serial No.: 09/817,086  
Filed: March 26, 2001  
Page 5 of 8

**REMARKS/DISCUSSION OF ISSUES**

**Priority Claim.** The Applicant thanks Examiner Phu for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

**Specification.** The Applicant has amended the specification herein to correct errors in the specification. No new matter was introduced by the amendment of the specification herein.

**Claims.** Claims 1-7 have been amended herein of the non-statutory purposes of conforming the format and language of claims 1-7 with the American-style claim language, such as, for example, writing claims 5 and 7 in independent form.

In the Non-Final Office Action, Examiner Phu rejected pending claims 1-7 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Phu rejected claims 1, 2 and 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,062,132 to *Yasuda* et al.

The Applicant has thoroughly considered Examiner Phu's remarks concerning the patentability of claims 1, 2 and 5-7 over *Yasuda*. The Applicant has also thoroughly read *Yasuda*. To warrant this anticipation rejection of claims 1, 2 and 5-7, *Yasuda* must show each and every limitation of claims 1, 2 and 5-7 in as complete detail as in contained in claims 1, 2 and 5-7. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1, 2 and 5-7, because *Yasuda* fails to disclose and teaches away from an updating of performance data within a storage device as encompassed by claims 1, 2, and 5-7.

Specifically, *Yasuda* discloses an updating of non-performance data in the form of telephone numbers within a storage device. See, *Yasuda* at column 1, line 67 to column 2, line 11; column 2, line 66 to column 3, line 2; column 3, lines 59-68; and column 6, lines 4-19; and column 6, lines 48-61. Moreover, *Yasuda* teaches the

allowable over *Yasuda* in view of *Grant* for at least the same reason as set forth with respect to independent claim 1. Withdrawal of the rejection of dependent claims 3 and 4 under U.S.C. §103(a) as being patentable over *Yasuda* in view of *Grant* is therefore respectfully requested.

March 31, 2004  
Case No. FR 000029 (7790/353)  
Serial No.: 09/817,086  
Filed: March 26, 2001  
Page 7 of 8

**SUMMARY**

Examiner Phu's rejections of pending claims 1-7 have been obviated by the remarks herein supporting an allowance of claims 1-7 over *Yasuda*. The Applicant respectfully submits that claims 1-7 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Phu is respectfully requested to contact the undersigned at the telephone number listed below.

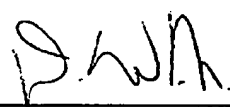
Dated: March 31, 2004

Respectfully submitted,  
Jean-Michel Simon

PHILIP INTELLECTUAL PROPERTY  
& STANDARDS  
P.O. Box 3001  
Briarcliff, New York 10510  
Phone: (914) 333-9612  
Fax: (914) 332-0615

J.M. Simon  
Registration No. 26,236  
Attorney for Applicant

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant